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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,636	03/08/2000	Andrew Casper	105026/002	1455

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,636

Applicant(s)

CASPER, ANDREW

Examiner

Thach H Bui

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed January 31, 2003 has been received and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford (U.S. Patent No. 6,049,785) in view of Elliott et al.

As per claim 1, Gifford teaches a processing system for processing a secure purchase order between a purchaser and a merchant across a public network (abstract) (col. 3, lines 19-22) (col. 6, line 66-col. 7, line 4), comprising multiple databases residing at the network payment system of which interconnects with both merchants and buyers (col. 7, line 66-col. 8, line 7) or storing the account information for the purchase, a means for processing the purchase order and a purchaser identifier (col. 7, lines 40-46) for identifying a particular purchaser. Gifford lacks a disabler. Elliott et al. teach a disabler (column 131, lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Gifford and combine with Elliott et al. to have a system having a disabler for security purposes.

As per claims 2-5, Gifford teaches an address database storing addresses associated with the purchase identifier (75). Gifford does not explicitly mention that it is

a physical address, an electronic address, and an e-mail address. However, it would have been obvious to one skill artisan in the art to add all the relevant addresses pertaining to the purchaser(s) to the address database.

As per claims 6 and 8-9, the claims contain features addressed in claim 1, and therefore, are rejected under the same rationale. In addition, the claims recite a securitizer. Both Gifford and Elliott et al. do not explicitly mention a securitizer. However, Gifford teaches a secure network (as mentioned in claim 1) to protect purchaser account information. Therefore, it would have been obvious to one skilled artisan in the art to realize that the system, as taught by Foster and Elliott et al., has a securitizer to protect purchaser account information. Further, Elliott et al. teach a disabler of which will disable the system/non-executable if it is tampered.

As per claim 10, both Gifford and Elliott et al. do not mention explicitly the disabler invalidates the purchaser identifier in response to the trigger. However, Elliott et al. teach a disabler of which will disable the system/non-executable if it is tampered. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a disabler invalidates the purchaser identifier and/or disable the purchaser account database in response to the trigger/tampering.

As per claims 11-13, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. In addition, the claims recite the merchant is a utility company. Both Gifford and Elliott et al. do not mention explicitly the merchant is a utility company. It would have been obvious to one having ordinary skill

in the art at the time the invention was made to have added the merchant as a utility company.

As per claims 14-16, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. In addition, the claims recite a service operated by a credit card company. Both Gifford and Elliott et al. do not explicitly mention a service operated by a credit card company. However, both Gifford and Elliott et al. teach a service operated by a financial institution (Gifford, col. 5, lines 42-46). Therefore, it would have been obvious to one skilled artisan in the art to realize that a credit card company would be classified as a financial institution.

As per claims 17-19, the claims contain features that addressed in the above paragraphs, and therefore, are rejected under the same rationale. In addition, Gifford teaches the unforgettable certificate of which is created at step (56) does not need to include the user account. This variation is useful if the user wishes to make purchases and remain anonymous (col. 7, lines 61-65). Furthermore, Gifford also includes a means for determining whether the identifier purchaser can pay for the purchased product through network payment system.

As per claims 20-21, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. In addition, the claims recite a purchaser is not given an opportunity to change the delivery data. Both Gifford and Elliott et al. do not explicitly mention an opportunity wherein the purchaser can't change the delivery data. However, Gifford teaches a database where all the information regarding the purchaser resides. The purchaser cannot simply change the delivery data

during the transactions, but it is possible for the purchaser to edit the information in the database prior to any transactions.

As per claims 22-24, the claims contain features addressed in the above claims, and therefore, are rejected under the same rational. In addition, the claims recite a server. Both Gifford and Elliott et al. do not explicitly mention a server. However, Gifford teaches a processing means to process commands (as mentioned above). Therefore, it would have been obvious to one skilled artisan in the art to understand that the system, as taught by Gifford and Elliott et al., contains a server.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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T.B.
March 5, 2003



For

Hyung-Sub Sough
Primary Examiner